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Regulatory  
Town Hall

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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Library of Virginia (Library Board)
<b>Virginia Administrative Code (VAC) citation</b>	17 VAC 15-120-10 et seq
<b>Regulation title</b>	Elimination of Social Security Numbers in public records
<b>Action title</b>	This new regulation is proposed to provide direction on the appropriate destruction of public records containing social security numbers whether these records are in analog or digital format.
<b>Document preparation date</b>	November 18, 2004

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

This proposed new regulation is needed to curb the growing problem of identity theft. Identity theft occurs when a criminal uses another person's personal information to take on that person's identity. The intent of this regulation is to protect individuals from identity theft by eliminating unauthorized access to social security numbers in public records. The regulation will address the best methods for destruction of public records containing social security numbers so that the social security numbers cannot be found and used for identity theft.

Any public records, regardless of media, that contain social security numbers are to be destroyed in a manner that protects the confidentiality of the information. These records are to be destroyed, made electronically inaccessible or erased so as to make the social security numbers unreadable by any means.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

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The authority to promulgate this new regulation can be found in the section 42.1-82 of the Code of Virginia (1950) as amended. The Code grants the Library Board the authority to issue regulations establishing procedures for the disposal, physical destruction or disposition of public records containing social security numbers. These regulations shall include all reasonable steps to destroy documents by (i) shredding, (ii) erasing, (iii) pulping, (iv) disintegration, (v) incineration or (vi) otherwise modifying social security numbers in those records to make them unreadable or undecipherable by any means.

### Substance

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed. Include the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.*

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This proposed new regulation outlines steps that custodians of public records containing social security numbers must follow when destroying those records whether these records are in analog or digital format. Adoption of the regulation will ensure that public records containing social security numbers will be destroyed.

### Alternatives

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action.*

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There is no specific alternative to the proposed regulation since promulgation of the regulation is directed by the General Assembly. The regulation provides a number of methods for the destruction of public records containing social security numbers.

### Family impact

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.*

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The regulation will have a positive impact on the family by protecting personal and family privacy.

